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10 UNITED STATES DISTRICT COURT
11 FOR THE EASTERN DISTRICT OF WASHINGTON
12

13 UNITED STATES OF AMERICA,

14 Plaintiff,

2:22-CR-00052-TOR-3

15 v.

16 SHAWN ROBSON,

17 Defendant.

United States' Sentencing
Memorandum

18 Plaintiff, United States of America, by and through Vanessa R. Waldref, United
19 States Attorney for the Eastern District of Washington, Patrick J. Cashman, Assistant
20 United States Attorney for the Eastern District of Washington, respectfully submits
21 the following Sentencing Memorandum. The United States recommends the Court
22 sentence the Defendant to a term of 3 years of supervised release. A sentence of 3
23 years supervised release is a reasonable sentence that is no greater than necessary to
24 meet the interests of federal sentencing principles because of the Defendant's
25 cooperation in this case.

26 I. Background

27 The United States relies on the facts provided in the plea agreement and the
28 United States Probation Office's (USPO) Pre-Sentence Investigation Report (PSIR)

1 and Addendum. (ECF Nos. 174, 187). The United States reserves the ability to
2 present additional facts as necessary at the sentencing hearing to address any of the
3 Court's concerns.

4 II. Base Offense Level & Enhancements

5 The United States concurs with the USPO's calculation of an adjusted offense
6 level of 10. ECF No. 187, ¶135. The United States further concurs the Defendant's
7 Criminal History Category is a I. *Id.* Accordingly, the Defendant's advisory guideline
8 range is properly calculated at 6 to 12 months. *Id.*

9 III. Defendant's PSIR Objections

10 The parties did not file objections to the PSIR.

11 IV. Departures

12 The United States submits the Court should grant a downward departure or
13 variance to sentence the Defendant to three years of supervised release with no jail
14 time imposed. The requested downward departure or variance is warranted because of
15 the Defendant's immediate and thorough cooperation with the United States.
16 Additionally, the Defendant's cooperation was made known to co-Defendants.

17 V. 18 U.S.C. § 3553(a)

18 When applying the 18 U.S.C. § 3553(a) factors, a sentence of three-years
19 supervised release is appropriate. The United States submits, under the circumstances
20 of this case, a sentence of three years supervised release is fair and no greater than
21 necessary to satisfy the interests of federal sentencing principles.

22 a. Nature, Circumstances, and Seriousness of the Offense:

23 The nature and circumstances of this case warrant a punitive sentence. It is
24 without a doubt the Defendant's acts were serious and egregious. The Defendant used
25 his position to obtain a significant amount of military ammunition for his own
26 personal use. The Defendant's actions undermined the good order and discipline of
27 the force and seriously impacted the image of the United States Air Force to the
28 public. The actions of the Defendant, and his co-Defendants, undermined the trust and

1 confidence the taxpayers place in our servicemembers. In short, the Defendant's
2 greed was not limited to simply impacting the ammunition stores of his unit but hurt
3 the image and stature the United States Air Force as a whole in the eyes of the public.
4 The nature, circumstances, and seriousness of this offense warrants a sentence of 18
5 months.

6 Accordingly, when considering the totality of the nature, circumstances, and
7 seriousness of the Defendant's actions, a punitive sentence is reasonable and
8 appropriate to reflect the gravity of the Defendant's criminal acts. However, this
9 factor must be balanced against other factors that warrant the United States'
10 recommended sentence of no jail and three years supervised release.

11 b. Characteristics and Criminal History of Defendant:

12 The Defendant has no criminal history aside from the current conviction. The
13 Defendant also had previously served in the United States Air Forces until his arrest
14 on these criminal offenses. As a result of this conviction, he was or will be
15 administratively separated from the United States Air Force with an other than
16 honorable characterization of service. Weighing in the Defendant's favor is his
17 willingness to cooperate with law enforcement upon his arrest and subsequently. For
18 this cooperation, the United States believes a sentence of three years of supervised
19 release is appropriate.

20 c. Public Safety and Deterrence:

21 Again, the United States notes a serious sentence that is reflective of the nature
22 and egregiousness of the Defendant's actions is warrant. However, due to the
23 Defendant's cooperation and lack of criminal history, this factor when considering
24 these circumstances, weighs in favor of a sentence of three years supervised release.

25 d. Rehabilitation and Programming:

26 A sentence of three years supervised release is further appropriate as it will
27 provide the Defendant the ability to utilize resources for vocational training and
28 treatment. Noted in the PSIR is the Defendant's need for mental health treatment. As a

1 condition of supervision, the Court should require the Defendant to continue to seek
2 and attend mental health counseling and treatment sessions.

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4 Dated: June 14, 2023.

5 Vanessa R. Waldref
6 United States Attorney

7 s/ Patrick J. Cashman
8 Patrick J. Cashman
9 Assistant United States Attorney
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CERTIFICATE OF SERVICE

I hereby certify that on June 14, 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

David M. Miller

s/ Patrick J. Cashman

Patrick J. Cashman
Assistant United States Attorney